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10/766,675	01/27/2004	Laurence Hubert	D/99398QC	3040

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EXAMINER
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NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

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08/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,675	<b>Applicant(s)</b> HUBERT ET AL.	
	<b>Examiner</b> Maikhanh Nguyen	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the RCE filed 05/20/2008.

Claims 1-16 are currently pending in this application. Claims 1, 6, and 11 have been amended. Claims 1, 6, and 11 are independent claims.

### **Request Continuation for Examination**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed 05/20/2008 has been entered.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: the recited "*memory*" and the recited "*processor*" of Claim 11. The Specification does not mention the recited "*memory*" and the recited "*processor*." Thus, there is no support or antecedent basis for the recited "*memory*" and the recited "*processor*" that allows the meaning of the terms to be ascertained, as required in 37 CFR 1.75(d)(1).

### Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or "* (Emphasis added.)

Claims 1-5 remain rejected under 35 U.S.C. 102(e) as being anticipated by

**Cohen et al.** (US 20030167281).

#### **As to claim 1:**

Cohen teaches a computer-readable storage medium encoded with data for processing by a data processing system (*see Abstract*), the data comprising:

a meta-document ( *The document objects 28 contain application data as well as meta-data*) for tracking (*such as information tracking the history of the document*) [See ¶¶ 0036, 0037, and 0045] and storing all information pertaining to actions performed by an application program on a document [See ¶ 0022: *activities performed by each of the plurality of users involved in the task on the plurality of data objects involved in the task ... stores actions performed on the document, replicates and distributes documents as they are revised, and facilitates communication among clients*] comprising document information during its entire lifetime [See ¶ 0055: *history data from a history file or document meta-data ... lists activities performed on the document*], comprising a file structure including:

an object conveying document information [See ¶ 0022: *data ... distributes documents as they are revised, and facilitates communication among client*];

processing information [See ¶ 0037: *accessible through various application programs 32 residing on and executable by the client 12 ... retrieves data from the task*]; and

metadata (*meta-data*) for indexing (*indexes, or lists of pointers*) and retrieving (*retrieves*) and processing information (See ¶¶ 0036, 0037, and

0055); wherein all of which are stored on the meta-document and retrievable from the meta-document [See ¶ 0046: *retrieves the set of document names from the documents associated with the selected task ... retrieves the most recent activity if any performed on a document in the project associated with the user*];

wherein the processing information comprises all information pertaining to each time the meta-document is processed by an application program being executed by the data processing system and any results of the processing during the entire life of the meta-document [see ¶ ¶ 0045-0048: *a history file or meta-data stored with the documents ... The process performed by the tool bar UI program 34 to generate the windows 210 and 212 ... retrieves the set of document names from the documents associated with the selected task ... The process is repeated for all other users associated with the task ... the UI program determines, from the document meta-data or history data file, whether any activity has been performed on the document since its creation*], the processing information being stored on the meta-document each time the meta-document is processed and being retrievable from the meta-document [See ¶ 0046: *retrieves the set of document names from the documents associated with the selected task ... retrieves the most*

*recent activity if any performed on a document in the project associated with the user]; and*

wherein the metadata (*a history file or meta-data*) comprises all associated metadata pertaining to each time the meta-document is processed by the application program being executed by the data processing system during the entire life of the meta-document [See ¶¶ 0045-0048: *a history file or meta-data stored with the documents ... The process performed by the tool bar UI program 34 to generate the windows 210 and 212 ... retrieves the set of document names from the documents associated with the selected task ... The process is repeated for all other users associated with the task ... the UI program determines, from the document meta-data or history data file, whether any activity has been performed on the document since its creation], the metadata being stored on the meta-document each time the meta-document is processed and being retrievable from the meta-document [See ¶ 0046: *retrieves the set of document names from the documents associated with the selected task ... retrieves the most recent activity if any performed on a document in the project associated with the user*].*

**As to claim 2:**

Cohen teaches information pertaining to transformation of the document information [See ¶¶ 0022, 0039, and 0057: *distributes documents*].

**As to claim 3:**

Cohen teaches a user comment to the document information [See ¶ 0054: *another user, "Liz Kendra" has created an electronic note relating to the document upon she was working*].

**As to claim 4:**

Cohen teaches information pertaining to distribution of the meta-document [See ¶¶ 0022-0024, 0039, and 0057: *this data about activities ... distributes documents*].

**As to claim 5:**

Cohen teaches the application program is embedded on the object [See ¶ 0036: *objects 28 contain application data*].



### Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

Claims 6-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

**Cohen et al.** in view of **Dourish et al.**, “Freeflow: Mediating Between

*Representation and Action in Workflow Systems*,” November 1996, pp. 190-198.

#### **As to claim 6:**

The rejection of claim 1 is incorporated herein in full. Additionally, claim 6 recites “transmitting the meta-document to a source; parsing the meta-document, at the source, for extracting stored processing information and metadata; and storing processing information pertaining to transmitting and parsing at the source and

*associated metadata on the meta-document.”*

Cohen teaches transmitting the meta-document to a source (e.g., *the history data file or document meta-data ... propagated to other users ... such as document “sent to opposing counsel”*; see ¶ 0037).

Cohen does not specifically teach “*parsing the meta-document, at the source, for extracting stored processing information and metadata; and storing processing information pertaining to transmitting and parsing at the source and associated metadata on the meta-document.*”

Dourish teaches parsing the meta-document, at the source, for extracting stored processing information and metadata; and storing processing information pertaining to transmitting and parsing at the source and associated metadata on the meta-document (*the goal state and work backwards, to determine which sequences of operations, or paths of activation ... for investigating alternative strategies for accomplishing activities*; see section *The Sequence Dimension*; page 191).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Cohen with Dourish because it

would have provided the capability for improving awareness of the status of a task and collaboration among users involved in a task.

**As to claim 7:**

Cohen teaches a tool, embedded on the object, responsive to a processing of the meta-document, for generating and storing processing information and associated metadata on the meta-document, wherein the parsing step is performed by the tool (*objects 28 contain application data ... accessible through various application programs 32 residing on and executable by the client 12 ... retrieves data from the task, document and user objects ... contain a set of collaboration software tools 38 which interface with the applications 32 ... to initiate collaborative work with other users or manipulation of documents; See ¶¶ 0036 and 0037*).

**As to claim 8:**

Refer to the discussion of claim 7 above for rejection.

**As to claim 9:**

Refer to the discussion of claim 7 above for rejection. Additionally, Cohen teaches a second tool (*collaborative tools, such as, document sharing; See ¶¶ 0024, 0037, and 0052*).

**As to claim 10:**

Refer to the discussion of claim 7 above for rejection.

**As to claim 11:**

The rejection of claim 6 is incorporated herein in full. Additionally, Cohen teaches a plurality of sources, each source located at a different location (See ¶¶ 0037, 0039, and 0057).

**As to claims 12-16:**

Refer to the discussions of claims 2-6 above, respectively, for rejections.

### **Response to Arguments**

5. Applicants' arguments filed 05/20/2008 have been fully considered but they are not persuasive.

Applicant argued in substance that Cohen does not teach Applicants' meta-document which includes a document or data object ...A meta-document comprises a file structure including: an object conveying document information, processing information and metadata for indexing and retrieving the processing information; wherein all of which are stored on the meta-document and retrievable from the meta-document.

In response, Cohen does meet the claimed “a meta-document.” Cohen teaches a meta-document which includes a document or data object (*The document objects 28 contain application data as well as meta-data*) [See ¶¶ 0036, 0037, and 0045] ... A meta-document comprises a file structure including: an object conveying document information (*data ... distributes documents as they are revised, and facilitates communication among client*) [See ¶ 0022], processing information and metadata (*meta-data*) for indexing (*indexes, or lists of pointers*) and retrieving (*retrieves*) the processing information [See ¶¶ 0036, 0037, and 0055]; wherein all of which are stored on the meta-document and retrievable from the meta-document (*retrieves the set of document names from the documents associated with the selected task ... retrieves the most recent activity if any performed on a document in the project associated with the user*) [See ¶ 0046].

## Conclusion

6. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review

each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

7. This is a **RCE** of applicant's earlier Application No. **10/766675**. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Contact information**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Maikhanh Nguyen/

Examiner, Art Unit 2176

*/Doug Hutton/*

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